

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 1032 of 2005

Between:

Smt. U. Narayanamma, W/o. Late Narasaiah,
R/o. Harijanawada, Ramanapalli Village, Chennur Mandal,
Kadapa District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kadapa Town,

Kadapa District.

2 The Mandal Revenue Officer, Chennur Mandal,

Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a direction or an order, or a writ more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not considering the representation of the petitioner Dt. 14-12-2004 for allotting the authorization of license of Fair Price Shop No.3, Ramanapally, Harijanawada, Chennur Mandal, Kadapa District which was stands in the name of the petitioner's father is violative of Art. 14, 21 of Constitution of India and subsequently direct the respondents to appoint the petitioner as temporarily Fair Price Shop Dealer till the notification for fresh appointments is issued, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.N.PRAMOD

Counsel for the Respondents: GP FOR Civil Supplies

The Court at the admission stage made the following :

ORDER:

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The father of the petitioner was functioning as a Dealer for the fair price shop of Ramanpalli Village, Chennur Mandal, Kadapa District. He is said to have died on 08.12.2004. The petitioner submitted a representation, dated 14.12.2004 to the 1st respondent requesting him to transfer the dealership in her name. This writ petition is filed complaining that no action has been taken thereon.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

On the face of it, the request of the petitioner cannot be acceded to. Dealership of a fair price shop is not transferable and it is nothing but a nomination by the Government to ensure proper distribution of essential commodities. Neither the dealer nor his successors have any vested or inheritable rights in it.

In case the petitioner is of the view that the family of the deceased dealer is dependant on the dealership and there exists any eligible member from the family to continue the same, the 1st respondent shall consider the feasibility of appointing such person as temporary dealer, until a regular dealer is appointed, in accordance with the relevant provisions.

Hence, the writ petition is disposed of, directing that the 1st respondent shall consider the feasibility of appointing the petitioner or any other member from the family of the deceased dealer as a temporary dealer, if they, otherwise, fulfill the

qualifications. There shall be no order as to costs.

31.01.2005

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To

1 The Revenue Divisional Officer, Kadapa Town,

Kadapa District.

2 The Mandal Revenue Officer, Chennur Mandal,

Kadapa District.

3 Two CCs to G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT).

4 Two CD copies.